

Andrew Thomas KC

Call to Bar: 1989

Silk Year: 2008



Andrew Thomas KC was called to the Bar in 1989 and awarded silk in 2008. Andrew has been appointed to sit as a Deputy High Court Judge (Administrative Court) and Recorder (both Criminal & Civil).

Whilst Andrew has a mixed practice, undertaking both serious criminal cases in the Crown Court and common law civil work, the most significant proportions of his work involve either allegations of regulatory breach; including health and safety cases and environmental law or the most serious and complex criminal cases. Andrew also undertakes Judicial Review proceedings on a regular basis.

Andrew Thomas also undertakes advisory work for both prosecution and defence in respect of Corporate Manslaughter, Gross Negligence Manslaughter and Health and Safety Offences.

Instructions received frequently relate to the following sectors: construction and demolition; haulage industry; NHS hospital trusts; medical professionals; nursing and care homes; and children's care home.

Andrew Thomas has considerable experience in environmental regulatory proceedings, in particular relating to the waste management industry. He regularly advises and acts for operators in criminal proceedings, in administrative appeals and on judicial review.

Andrew's talents are recognised by the leading legal directories year after year, recent publications have described Andrew as being:

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Practice areas:

Business Crime & Financial Regulation
Civil Law
Criminal Law
Health & Safety
Inquests
Judicial Review Law
Professional Discipline
Regulatory

Professional appointments:

Deputy High Court Judge
(Administrative Court)
Recorder (Civil & Criminal)
Part-time Judge of the First Tier Tribunal
(Mental Health)

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"Andrew Thomas KC is noted for his strength in serious criminal cases, particularly those involving financial crime. He has experience prosecuting on behalf of trading standards authorities." - Financial Crime - Chambers and Partners 2024

"He has an exceptional intellect and is tactically and legally devastating in court." - Financial Crime - Chambers and Partners 2024

"Andrew Thomas KC is a well-regarded silk with a significant criminal practice. He is also adept at handling civil matters." - Crime - Chambers and Partners 2024

"He has a phenomenal skill set and is a thoroughly decent chap." - Crime - Chambers and Partners 2024

Ranked Tier 1 - Crime(General and Fraud) - Legal 500, 2024

'He has a lovely manner with juries.' 'He is extremely forensic, very clever and very popular.' - Chambers & Partners, 2021

'Intelligent, considered and robust.' Legal 500, 2020 and 2021

"He Has The Ability To Distil Very Complicated And Rather Terrifying Detail Into Very Simple Propositions."

"His Performance On Every Level Is Outstanding; He's Calm, Reassuring And Very Knowledgeable." - Chambers UK 2020

'He Is Meticulous In His Preparation.' "An Exceptional Intellect." - Chambers UK 2020

"He has fantastic attention to detail and great tactical nous."

"A top-class advocate with a sharp intellect." – Legal 500, 2018

"He is an outstanding advocate."

"He is intelligent and thoughtful, with real technical expertise." Chambers & Partners, 2018

Case Examples include:

Health & Safety

***R v MH and JB* – Gross negligence manslaughter (haulage industry)**

R v TLM Ltd and HR - Gross negligence manslaughter (construction industry)

R v SR and RJ Brown Ltd and others - Corporate Manslaughter and Section 2 HSWA (construction industry)

R v CS Ltd and others – Gross negligence manslaughter and Section 2 HSWA (construction industry)

R v CB Ltd – Food Safety Regulations - Defending company directors in relation to deaths from Salmonella infection

R v JTF Wholesale Ltd – Corporate Manslaughter and Section 3 HSWA (fatal outbreak of Legionnaire's disease at retail store).

R v Baldwins Crane Hire Ltd – Corporate Manslaughter and Section 3 HSWA. Prosecution of crane operator following the death of an employee due to failure of brakes on a 100 tonne mobile crane.

R v TST Ltd – Section 3 HSWA. Defence of docks company following a serious accident to an employee on board ship.

R v Pyranha Mouldings Ltd and others - Corporate Manslaughter and Section 2 HSWA. Manufacturing company. Employee trapped and killed inside an industrial oven.

R v Bawa Garba and others - Gross Negligence Manslaughter. Prosecution of hospital doctor and two nurses for grossly negligent treatment of 2 year old child, resulting in death. Conviction upheld on appeal. Reported at [2016] EWCA Crim 1841).

R v MR Ltd and another - Section 3 HSWA and Causing Death by Dangerous Driving. Prosecution of major bus operator and bus driver arising out of death of a passenger and pedestrian.

HSE v JG - Court of Appeal - Defence of director of waste management firm following death at work.

R v B Ltd, WWS Ltd and Others – Defence of demolition company and related business on alleged environmental and health and safety offences.

R v CE Ltd - Section 3 HSWA. Hotel business. Collapse of balcony causing serious injury to three guests and manager.

Environmental

EA v S Ltd – Defending major waste services company charged with operating a landfill site in breach of permit conditions and contrary to an enforcement notice.

R v GWM Ltd and others – Defence of waste management company and directors for alleged breach of permit.

R v B Ltd, WWS Ltd and Others – Defence of demolition company and related business on alleged environmental and health and safety offences.

Mustafa and Breslin v EA [2020] EWCA Crim 597 – Representing company director charged with depositing waste without permit: Court of Appeal determination on meaning and scope of ‘exempt facility’ under EPRs.

NRW v PWM Ltd – Defence of waste operator for alleged odour nuisance relating and pest infestation at a dockside waste transfer station.

NRW v PWM Ltd – Defence of waste operator for breach of permit at a landfill site.

NRW v TRL Ltd – Defence of operators of former colliery site for alleged pollution of watercourse.

EA v EC Ltd – Defence of recycling company for breach of permit conditions relating to fire safety management.

R v RP Ltd – Defence of large wood waste recycling company for breach of permit following major incident fire and for alleged pollution of watercourse.

R v Allensway Recycling Ltd and others - Defence of transport and recycling companies and their directors accused of operating in breach of permit and fraud. 64 count indictment and alleged £4.3 million benefit. Successful challenge to the execution of searches (reported at (2016) Env LR 16, (2016) 1 WLR 1903). Successful defence in Crown Court proceedings resulting in no evidence being offered on all counts.

R (S Ltd) v EA – Judicial Review of adverse scores in CAR forms.

R v S Ltd - Defence of waste management company and director for operating in breach of permit

EA v M - Defence of waste operator charged with breach of permit conditions following a fire at his site.

R v I Ltd DR & VT – Successful defence of company and its directors on alleged breaches of animal by-product relations. Appeal against terminatory ruling reported: [2012] EWCA Crim 1288; [2012] Crim. L.R. 886

EA v W Ltd – High Court – Acting for waste management company and its director in enforcement proceedings before the High Court in Manchester.

W Ltd v EA – Appeal to PINS against partial revocation of permit, following landslide at a landfill site.

JM Ltd v EA – Appeal to PINS against enforcement notice, relating to fire safety plans at wood waste sites.

I Ltd v East Riding of Yorkshire Council – Defence of company and its directors on alleged breaches of animal by-product relations. Complex issues on scientific evidence, resulting in prosecution appeal against terminatory ruling.

R (DK) v Rochdale Borough Council – Successful Judicial Review of issue of Stop Notice under Town and Country Planning Act.

Hertsmere Borough Council v R C Limited – Abatement Notice Appeal – Acting for compost operator in alleged odour nuisance case.

Royal Borough of Windsor & Maidenhead v JH – Abatement Notice Appeal – Acting for metal waste company in alleged noise nuisance case.

JH & NH v Maidenhead BC – Acting for waste operator in proceedings relating to alleged statutory nuisance.

Recent advisory instructions in Environmental areas include:

- Proposed JR of EA in relation to failure to take action to close landfill site;*
- Proposed JR of EA relating to categorisation of waste waters*
- Proposed JR of EA for erroneously served suspension notice on landfill site.*

Financial Crime/SFO

R v GM – Defence of company director in SFO prosecution. Prosecution relates to the operation of the largest installer of solar panels in the UK. Alleged involvement in fraudulent off-shore (Belize) investment scheme involving customers' funds (VHCC Case).

R v CB ('Euribor') – Defence of senior Barclays employee for Conspiracy to Defraud. Alleged manipulation of the Euribor index and Euro FX markets. Subsequent appeal to Court of Appeal on proper scope of the offence Conspiracy to Defraud and on jury irregularities (reported at [2020] EWCA Crim 1662).

R v NJ and others (Op Middlebreaker) - Prosecution of former Pakistan international cricketer for corruption (match fixing).

R v NJ – Defence of solicitor in multi-handed mortgage fraud case involving expert evidence on conveyancing practice.

R v M – Successful defence of pensions consultant charged with conspiracy to defraud (VHCC Case).

R (Qualter and others) v CWAC [2020] 1 WLR 1073 - Power of local authorities to conduct a fraud investigation (a regional trading standards investigation into sale of energy contracts)

R (Business Energy Solutions) v Preston Crown Court [2018] 4 All ER 1053 (examination and return of property seized under 'seize and sift' investigatory powers)

R v Khaliq and others - Trading Standards prosecution of operators of rental agency for multiple frauds involving clients (landlords), tenants and insurers.

Other Regulatory/ Common Law Cases of Interest

R (on the application of Coatman and another) v Council for Licensed Conveyancers - [2012] EWHC 1648 (Admin). Successfully acting for Claimants in application for award of compensation for clients of a fraudulent licensed conveyancer.

UU Ltd v Brooks - Acting for statutory water undertaker in relation to enforcement of powers of entry onto land.

JL v B LLP (Solicitors) – Professional negligence claim against solicitors relating to conduct of claim for financial relief in divorce proceedings.

GMC v Dr HS – Acting for medical practitioner in fitness to practice proceedings following brain haemorrhage resulting in residual cognitive deficit.

Serious Crime

R v MO & others (Operation Tradite North 2) – Importation of class A drugs (ongoing), Manchester Crown Court. Case involving 25 defendants, three trials (each with an estimate of around five months), over 100,000 pages of served evidence. Importation of drugs with potential street valuation in excess of £2 billion. Instructed by the International Justice and Organised Crime Division (IJOCD) of the CPS.

R v Cornett & others – 6 month trial at Liverpool Crown Court. Prosecution of members of Liverpool gang for distribution of drugs across North West, Yorkshire, South Wales and South West England. Principal organiser sentenced to 24 years imprisonment. (Appeal reported as *R v Michaels [2020] EWCA Crim 1450*).

R v N & Others – Prosecution of 8 defendants in conspiracy to import £14 million worth of cocaine organised by a serving prisoner at HMP Kirkham

R v A, B & Others – NCA prosecution of mixed UK / Latvian / Russian organised crime group for conspiracy to import cocaine and heroin into the UK. Case involving anonymous evidence from Belgium special forces who undertook surveillance.

Other Homicide

Andrew Thomas has prosecuted and defended in more than 60 cases of murder and manslaughter, ranging from domestic killings to gangland shootings.

R v Daniels and others – Successful prosecution of murder by firearm arising out of drugs dispute. Appeal to Court of Appeal on issue of withdrawal of defence counsel mid-trial on grounds of ‘professional embarrassment’. (Reported at *[2021] EWCA Crim 2021*).

R v SC – Successful defence of man charged with murder of wife’s lover after the Defendant arrived home to find stranger fleeing from his house.

R v NB – Successful defence of University student charged with her boyfriend with drug-related murder.

R v HG – Successful defence of school secretary charged with murder by arson of her partner.

R v SH – Successful defence of babysitter charged with murder of two year old child.

R v CJ – Prosecution of mother for manslaughter of 8 month old baby by suffocation.

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R v SG – Prosecution of father for manslaughter of 4 month old baby.

R v DN – Defence of stepfather for murder of 15 month old child; causation issues.



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